



Buffalo National River

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COMMERCIAL USE AUTHORIZATION (CUA)

PARK SPECIFIC INFORMATION:

List of Approved Services
Fee Schedule and Payment
Insurance Requirements for Specific Activities
General Information including Frequently Asked Questions (FAQs)

List of Approved Services at Buffalo National River:

The land based services: guided camping, guided hiking, guided automobile driving tours, guided walk-in fishing (from shore), guided rappelling and guided photography.

The water based services: guided fishing and guided sightseeing via jon-boat or drift boat

Fee Schedule and Payments:

Costs incurred by the park as a result of accepting and process the application and managing and monitoring the authorization activity on site must be paid when the authorization is approved. **If any additional costs are incurred by the park, the holder will be billed at the conclusion of the authorization.** NOTE: All fees are non-refundable. See tables below for fee schedules.

Costs for Land Based Activity CUAs Guided Camping, Hiking, Rappelling, Photography, Walk-in Fishing and Automobile Driving Tours:		
Type of Cost	Amount	Due
Application Cost	\$100	Must be submitted at the time of the initial application.
Administration Cost	\$100	Payable when the permit is approved.

Costs for Water Based Activity CUAs Guided Fishing and Sightseeing:		
Type of Cost	Amount	Due
Application Cost	\$100	Must be submitted at the time of the initial application.
Administration Cost	\$300	Payable when the permit is approved.
Commercial Use Boat Decal Fee	\$9 per vessel	Payable when the permit is approved.

Insurance Requirements for Specific Activities:

The CUA Holder must maintain General Liability insurance naming the United States of America, National Park Service as an **additional insured**. The minimum coverage amount is \$500,000 per occurrence. Automobile Insurance Requirements are listed in the application.

What is the due date for submission of the application and how long is the CUA valid?

For Land Based Services: Applications are accepted at any time during the year. Please allow at least 30 days for processing. CUAs issued for land based services are valid for one year.

For Water Based Services: Applications are accepted between October 1 and November 15 and will be effective on January 1 of the upcoming year. CUAs issued for water based services are valid for two years.

What is a Commercial Use Authorization (CUA)? Section 418 of the National Parks Omnibus Management Act of 1998, Public Law 105–391 (Section 418), authorizes (but does not require) NPS, upon request, to issue commercial use authorizations (CUAs) to persons (referring to individuals, corporations and other entities) to provide commercial services to park area visitors in limited circumstances. Commercial Use Authorizations are NOT concessions contracts and are not transferable. CUAs are intended to provide a simple means to authorize appropriate commercial services to visitors in Park areas.

What is a Commercial Visitor Service? This type of service means accommodations, facilities and services the NPS has determined to be necessary and/or appropriate for public use and enjoyment of a National Park Service administered area provided to visitors for a fee or charge by person. The fee or charge paid by the visitor may be direct or indirect as part of the provision of comprehensive visitor services.

How do I obtain an Employer Identification Number (EIN)? The Debt Collection Improvement Act of 1996 requires us to collect an EIN or Social Security Number (SSN). The NPS will not collect SSNs, only EINs. The EIN is issued by the Internal Revenue Service. You may receive a free EIN at <http://www.irs.gov/Businesses/Small-Businesses-&-Self-Employed/How-to-Apply-for-an-EIN>. We will use the EIN that you provide as needed to collect debts.

Are there any restrictions to my application? Yes. NPS employees or their resident family members may be NOT be owners, partners, corporate officers or general managers of any business conducting commercial visitor services in a park, nor may NPS employees or their resident family members have a financial interest in such a company. All instances of employment by an operator of the SPOUSE or MINOR CHILDREN of an NPS employee must be approved in advanced, in writing by the superintendent or delegated person(s).

Are there limits to the group size allowed per CUA? Yes, group size is limited. See tables below.

Group Size Limitations for Land Based Activities:	
Guided Camping / Overnight Backpacking	No more than 12 persons, including guide(s)
Guided Day Hiking	No more than 12 persons, including guide(s)
Guided Photography	No more than 10 persons, including instructor(s) / guide(s)
Guided Automobile Driving Tours	Group size is limited to the carrying capacity of the vehicle. Vehicles are limited to no larger than a 15-passenger van. Limit of one vehicle per trip.

Guided Walk-In Fishing (from shore)	No more than 5 persons, including guide(s)
Guided Rappelling	No more than eight (8) persons, including guides. The guide to client ratio must be at least one (1) guide per four (4) clients.

Group Size Limitations for Water Based Activities:	
Guided Fishing and/or Guided Sightseeing	The number of boats authorized is ten (10), even if the Permittee applies for both a guided fishing and guided sightseeing CUA. The types of boats authorized are john boats and non-motorized drift boats. The Permittee shall not exceed any carrying capacity per vessel type in accordance with U.S. Coast Guard standards.

The application states my insurance certificate must name the United States of America, National Park Service as additional insured. How do I do this?

Contact your insurance agent and inform him/her of the following:

1. The insurance certificate must show that coverage has been provided for all of your activities.
2. All insurers must be admitted (licensed) in the state in which the Holder is domiciled.
3. The following must be shown on the Certificate of Insurance:
 - a. The US Government, National Park Service is named as additional insured
 - b. The Certificate Holder's address is:
U.S. Government
National Park Service
402 N. Walnut, St., Suite 136
Harrison, AR 72601
 - c. The A.M. Best Identification Number of the Insurance Company must be on certificate
 - d. The Insured's name (same as that under which you will be doing business).

Is sub-contracting allowed under the authorization? Sub-contracting is prohibited under this authorization and authorizations cannot be transferred. If ownership changes, you must notify the NPS. CUAs are not transferable. Therefore, when there is a change in ownership, the new owner must apply for a CUA.

How do I handle guides that only work on an as needed basis and under State and Federal Law are not "employees" but "contractors?" Buffalo National River recognizes the unique relationship between the CUA holder and guides that work only as needed. Each guide that works under your CUA must be listed on your application or after your CUA is approved within 48 hours notify the Commercial Services Office of the new guide's name, title, etc. This does not mean they are your employee, this means that they are authorized to operate under your CUA and must adhere to the terms of the CUA.

Am I required to carry communication equipment during my trips? No. However, in areas of the park where electronic communication is possible, it is strongly recommended that the group leader carry some type of electronic communication equipment capable of communicating with others should an emergency arise. Each group participant should be instructed on the use of this device. It should be noted that carrying this communication equipment should in no way influence the level of risk to be undertaken by any individual or group; all decisions made should assume that self-sufficiency is the expectation for all park users.

Are there any annual or other reporting requirements? Yes, a Monthly Activity Summary Report and an annual Report must be submitted. The applicable reporting forms will be provided when the CUA is issued. The forms are also located on-line at <http://www.nps.gov/buff/parkmgmt/commercial-use-authorizations.htm>.

- a. Monthly Activity Summary Reports must be submitted to and received by the NPS by the 5th of each month for the preceding month's activities. A negative report must be submitted if no activity occurred during any given month.
- b. Annual Report is due by December 15th.

- c. **Non-submission or late submission of any report may be grounds for suspension or revocation of the CUA.** (This includes any other reports that may be required as specified in the park-specific stipulations attached to the CUA.)
- d. Submit Reports to Buffalo National River, ATTN: Commercial Services, 402 N. Walnut Street, Suite 136, Harrison, AR 72601 or FAX: 870-365-2701 or via e-mail to BUFF_Superintendent@nps.gov.

May I have my clients sign a waiver of liability? No. The CUA holder **may NOT request or require** guests/clients participating in activities to sign a liability **waiver** for, insurance disclaimer and/or indemnification (hold-harmless) agreement. However, the CUA holder **may require** guests/clients participating in activities under the CUA to sign a Visitor Acknowledgement of Risk form. A copy is located on our website at <http://www.nps.gov/buff/parkmgmt/commercial-use-authorizations.htm>.

If I choose to have clients sign an Acknowledgement of Risk form do I need to submit a copy for NPS approval? Yes, The CUA Holder (Permittee) **must** submit its "proposed" Visitor Acknowledgement of Risks form, if any, prior to receiving a fully executed (approved) CUA and at least 30 days in advance of any proposed changes in the form.

If I am approved for a CUA will this make me a Concessioner of the National Park Service? No. You will be an authorized Commercial Use Authorization holder/permittee. Concessioners hold contracts with the National Park Service. Buffalo National River has 13 concessioners. Twelve (12) of the concessioners offer canoe rentals including kayak and raft rentals and transportation (shuttle) services. The other concessioner is Buffalo Point Concession that offers a seasonal restaurant and cabin rentals at Buffalo Point. For a list of Buffalo National River canoe concessioners visit our website at: <http://www.nps.gov/buff/canoe-rentals.htm>.

Are there specific conditions that apply to the CUA? Yes, The National Park Service has terms and conditions on all commercial service agreements. Page 2 and 3 of the Application Instructions provide the 12 standard conditions found in all CUAs. Buffalo National River also has park specific operating conditions attached as an Appendix to the CUA. The Appendix is the park specific conditions for the specific activity ie: guided photography. All CUA conditions can be found on our website at: <http://www.nps.gov/buff/parkmgmt/commercial-use-authorizations.htm>.

How do I obtain a Guide Fishing License? All hunting and fishing is regulated through Arkansas Game and Fish Commission. To obtain the appropriate license call 501-223-6386 or you can visit their website at www.agfc.com.

Is CPR and First Aid Certification Required? CPR and First Aid Certification is only required for Guided Rappelling CUAs. However, it is **strongly** recommended that all group leaders have CPR and First Aid Certification should an emergency arise.

How do I obtain CPR and First Aid certification? You may contact your local American Red Cross at 1-800-REDCROSS or www.arkansasredcross.org. You can also do an Internet Search for "CPR and First Aid classes in Arkansas."

For the Guided Fishing/Sightseeing via boat CUAs, what are the specifics on boats operating under the CUA? Although a maximum of ten (10) vessels are allowed, only one vessel is required to operate under this CUA. Boat motors must not exceed 10HP. The types of boats authorized are john boats and non-motorized drift boats. Each boat authorized under the permit must be stickered with the appropriate NPS decal. Commissary boats, however, are exempt from the decal requirement. If your application for CUA is approved, you will be assessed a \$9 fee for each commercial use decal issued. A maximum of ten (10) decals may be purchased. This may include up to five (5) portable (transferrable) decals. You will be asked how many decals will be affixed (stickered) to boats and how portable (transferrable) decals you would like.

Am I required to submit an Operating Plan? Yes, all CUA holders are required to submit an Operating Plan. Your Operating Plan should include a summary of the operations you plan to conduct, guide qualifications/certifications, emergency/safety plan of action you will implement in the event of accident or injury, and any methods that will be

utilized to prevent pollution and to reduce waste. Make sure to include a sample of a typical trip plan/itinerary for the activity type you are applying for.

For your convenience, a sample Operating Plan is attached as the last pages of this document.

Does the Operating Plan I submit become an attachment to my Commercial Use Authorization?

The operating plan is reviewed and accepted by the NPS. The operating plan will be kept on file and will become part of the record regarding the performance of the Permit. However, it is a separate document and will not become part of the Permit.

The Following must be on file in the Commercial Services Office before operating:

1. ____ Copy of valid First Aid / CPR Cards (*Required only for Guided Rappelling*)
2. ____ Copy of valid Guide Fishing License (*Required only for Walk-In Fishing & Guided Fishing via boat*)
3. ____ Copy of valid Registration for each boat (*Required only for Guided Fishing / Sightseeing via boat*)
4. ____ Employee List providing the names and titles of all persons associated with the CUA. Include those who may only work intermediately or on an as needed basis. (*Required for all CUAs*)
5. ____ Guided Fishing/Sightseeing via boat CUAs only:
Each boat authorized under the permit must be stickered with the appropriate NPS decal. Commissary boats; however, are exempt from the decal requirements. A maximum of ten (10) decals may be purchased. This may include up to five (5) portable (transferrable) decals. You will be asked how many decals will be affixed (stickered) to boats and how portable (transferrable) decals you would like.

Who do I contact if I have additional questions? Contact the Buffalo National River Commercial Services Office at 870-365-2702 or 870-365-2724.

****SAMPLE OPERATING PLAN****

Mather & Muir Guide Service Operating Plan Guided Fishing Trips and Guided Sightseeing Tours

Introduction: Mather & Muir is a family-owned business and has provided professional guide services in the Ozark region since 1995. Our goal is to provide a safe, enjoyable and successful fishing/sightseeing experience to all of our fishing clients.

Typical Trip Plan/Itinerary: A typical (sample) ½ day fishing trip with Mather & Muir (M&M) Guided Fishing includes:

8:00 arrive at office for orientation and safety instructions
8:30 depart from office to river access at Buffalo National River
9:00 arrive at river access
9:30 off-load john-boat, board boat
9:30 – 12:00 fishing along river.
12:00 stop at gravel bar for brown-bag lunch
1:00 board boat and return to river access
1:30 depart Buffalo River to return to Mather & Muir's office

This is a *sample* itinerary of a typical ½ fishing trip. A Guide with Mather & Muir will be with participants during the entire trip and will provide interpretive information to the clients on cultural and natural resources of Buffalo National River.

Staff Training: All guides must possess an Arkansas Game & Fish guide license and complete the following training before conducting any fishing trips for Mather & Muir:

- Basic First Aid including CPR (child and adult)
- Wilderness Survival and Camp Setup Procedures
- Emergency Procedure and Satellite Phone Operation Procedures
- Leave No Trace Practices

Client Orientation: Upon making reservations for fishing trip, all clients will receive a brochure that explains what to expect, how to pack for their trip, and an overview of Leave No Practices that will be followed during their fishing trip.

Before launching the boat, the guide will provide an orientation to clients that covers:

- Location of First Aid kit and Emergency Equipment.
- Instructions on use of PDFs and to remain seated while boat is moving.
- Emergency procedures.

Emergency Procedures:

- Don't Panic! Stay calm and think through the situation.
- Stabilize the situation. Protect from further injury.
- Use satellite telephone to call MROCC for help (888) 692-1162
- Continue to care for the injured party until help arrives.

Safety Plan:

- Always be aware of your surrounding and be alert for signs of hypothermia or dehydration.
- Always wear life jacket (PDF) in the boat. Always carry survival gear in your pack:
- Never stand up in the boat when it is moving. Wait until boat is stopped and secure before standing up.
- Check gas and oil levels before heading out for the day.
- Except in emergency situations, don't run the boat after dark.
- Keep a constant look out for debris in the water and shallow spots.
- Check contour of the land and look for potential trouble due to rain, flooding, etc.

END